

50. (Amended) The method of claim 48, wherein the energy is transferred utilizing impulse heating.

51. (Amended) The method of claim 48, wherein the energy is performed transferred utilizing radio frequency energy.

52. (Amended) A method for installing a floor covering having a plurality of modules of textile fiber face material having edges different in appearance from the remainder of the face, wherein the modules are positioned with abutting edges, comprising:

applying an adhesive to the abutting edges; and

heating the abutting edges and adhesives to bond the abutting edges.

55. (Amended) The method for imparting a grouted edge appearance to a flooring module of claim 2, wherein each treating unit is positioned at an acute angle relative to a face of the flooring module face to produce a beveled edge on the face.

REMARKS

This Amendment and Response amends claims 1, 2, 8, 10-15, 20, 21, 23, 25-27, 30, 36, 47, 50-52, and 55. Claims 1-56 are pending in this application. A check in the amount of \$110 is enclosed to cover the fee for a one month extension of time. No further fees are due; however, the Patent Office is authorized to debit deposit account 11-0855 if it determines otherwise.

I. 35 U.S.C. § 112 Objections

The Action specifically objects to claims 1, 11, and 12 under 35 U.S.C. § 112 for containing informalities and charges Applicants with reviewing the remaining claims and correcting any other errors. Applicant respectfully traverses these objections and asks that they be withdrawn.

Claim 1 has been amended to read “the” instead of “he.” As the Examiner suggests, “the” has been removed from claim 11. “Of” has been inserted in claim 12 between “each” and “the” so that claim 12 now reads “each of the module edges.” Furthermore, Applicants have reviewed the remaining claims and made similar corrections in a number of them. Applicants believe that these amendments overcome any § 112 objections, including those specified in the Action.

II. 35 U.S.C. § 102 Rejections

The Action rejects claims 1-3, 6, and 23-25 under 35 U.S.C. § 102 as being anticipated by EP Patent No. 0297684 A1 to Baltes. Applicants respectfully traverse these rejections and ask that they be withdrawn.

Claim 1 and amended claims 2 and 23 all recite a flooring module having a textile face. Similarly, claim 3 recites a flooring module having an upper wear surface with a textile fiber face. Baltes discloses a tool for forming grooves in elastic floor covering material, such as linoleum or PVC, but fails to teach or suggest a tool for use, or using a tool, on floor covering having a textile face. Baltes thus fails to anticipate or render obvious claims 1-3 and 23, as well as claim 6 and claim 24 and 25 that respectively depend from claims 3 and 23.

Nor would one of skill in the art be motivated to use the Baltes tool on a floor covering having a textile face. The Baltes tool is directed to forming a groove in the flooring surface. The

tool includes a gouge 4 (fixed in movable carrier 1) that penetrates the floor covering material and cuts a groove from the material as the carrier is moved along the floor. The subject matter recited in claims 1-3, 6, and 23-25 is not directed to cutting grooves in a floor covering, but rather to altering the appearance of the edges of a floor covering having a textile face. Thus, one of skill in the art would not have been motivated, nor would it have been obvious, to use the Baltes groove-forming tool on floor covering having a textile face, as recited in these claims. These claims, as well as all claims depending from these claims, are allowable for this additional reason.

Moreover, claims 2 and 23 recite a method for imparting a grouted edge appearance to a flooring module including conveying the module past treating heads. The Action is correct that Baltes teaches moving a carriage 1 across the underlying elastic flooring, i.e. moving the alleged treating heads (mounted on carriage 1) past the flooring. However, Baltes fails to teach or suggest conveying the flooring past the treating heads, and thus fails to anticipate or render obvious claims 2 and 23 or claims 24 and 25 which depend from claim 23, for this additional reason.

III. Double Patenting Rejections

Claims 1-56 were provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 in copending U.S. Application No. 09/766,754. Applicants do not agree that claims 1-56 in the present application and claims 1-20 in U.S. Application No. 09/766,754 are patentably indistinct. However, to expedite issuance of a patent, applicants submit behind Tab A a terminal disclaimer in compliance with 37 C.F.R. 1.321(c), disclaiming the terminal part of any patent granted on the present application that would extend beyond the expiration date of the full statutory term of any patent granted on U.S. Application

No. 09/766,754. Applicants believe that this terminal disclaimer overcomes the Action's double patenting rejection of claims 1-56, that the rejection should consequently be withdrawn, and that these claims are therefore allowable.


PETITION FOR ONE-MONTH TIME EXTENSION

To the extent necessary, under 37 C.F.R. § 1.136(a) (1998) assignee hereby petitions that the period for responding to the Examiner's Action mailed on August 12, 2002 be extended for one month, up to and including December 12, 2002. Enclosed is a check in the amount of \$110 to cover the appropriate fee for this extension under 37 C.F.R. § 1.17.

CONCLUSION

Applicants respectfully submit that claims 1-56 are in condition for immediate allowance, and request early notification to that effect. If any issues remain to be resolved, the Examiner is respectfully requested to contact the undersigned at 404.815.6389.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kristin L. Johnson", is written over a horizontal line.

Kristin L. Johnson
Reg. No. 44, 807
ATTORNEY FOR ASSIGNEE

KILPATRICK STOCKTON LLP
Suite 2800, 1100 Peachtree Street
Atlanta, Georgia 30309-4530
(404) 815-6389

Marked-up copy of amended claims pursuant to 37 C.F.R. § 1.121(c)

1. (Amended) A method for imparting a grouted edge appearance to a flooring module having a textile face, the method comprising:

moving the module and a shear relative to each other to remove a peripheral portion of the textile face.

2. (Amended) A method for imparting a grouted edge appearance to a flooring module comprising:

conveying the module in a first direction past [at least one shear] a first treating head to remove a peripheral portion of a textile face of the module;

conveying the module in a direction orthogonal to the first direction, or in the same direction after rotating the module, past [at least one other] a second treating head.

8. (Amended) The apparatus of claim 7, further comprising moving the module relative to the [treating unit] shear.

10. (Amended) The apparatus of claim 7, further comprising moving the [treating unit] shear relative to the module.

11. (Twice Amended) An apparatus for creating a flooring module of textile fiber face having edges different in appearance from the remainder of the face comprising:

at least two shears for treating [the] a set of opposed edges of the module; and

a conveyor for moving the module past the shears.

12. (Amended) The apparatus of claim 11, wherein the conveyor moves each of the module edges past at least one of the shears.

13. (Twice Amended) Floor covering, comprising a plurality of modules of textile fiber face material having edges and having portions [for] of the face near the edges different in appearance from the remainder of the face as a result of removal of face material, the modules positioned with abutting edges.

14. (Amended) An apparatus for creating a grouted edge appearance on a rectangular flooring module having a textile fiber face and [two] at least a first and second pair[s] of opposed edges, comprising:

a first conveyor for advancing the module past [two] a first pair of treating heads to treat [a] the first pair of opposed edges of the module; and

a second conveyor for advancing the module past [two more] a second pair of treating heads to treat [two other] the second pair of opposed edges of the [carpet tile] module.

15. (Amended) The apparatus of claim 14, wherein each treating head[s each] comprises a heat source.

20. (Amended) The apparatus of claim 14, wherein [a depth and an angle] the position of [the heat source] at least one treating head relative to a module edge is adjustable.

21. (Amended) The apparatus of claim 16, wherein [a depth and an angle] the position of the hot air gun relative to a module edge is adjustable.

23. (Amended) A method for imparting a grouted edge appearance to a flooring module having an upper surface comprising a textile face comprising:

conveying the module in a first direction past at least one treating head;

conveying the module in a direction orthogonal to the first direction, or in the same direction after rotating the module, past at least one other treating head.

25. (Amended) The method of claim 23, further comprising compressing and consolidating [an] at least a portion of the upper surface textile face of the module without penetrating a back surface of the module.

26. (Amended) The method of claim 23, further comprising embossing [an] at least a portion of the upper surface textile face of the module.

27. (Amended) The method of claim 23, further comprising applying a hot melt adhesive to [an] at least a portion of the upper surface textile face of the module.

30. (Amended) The flooring module of claim 28, wherein the different appearance on the peripheral portion of the upper wear surface is created by using an energy source to transfer[ring] energy to the upper wear surface.

36. (Amended) Floor covering comprising at least two flooring modules of claim 35 positioned so that an edge of a first module is adjacent an edge of a second module [edge to edge] so that glue applied to the adjacent edges bonds to provide a bonded moisture resistant floor covering.

47. (Amended) Floor covering, comprising a plurality of modules of textile fiber face material having edges and having portions [for] of the face near the edges different in appearance from the remainder of the face, the modules positioned with abutting edges.

50. (Amended) The method of claim 48, wherein the [directing] energy [to the edge portion] is [performed] transferred utilizing impulse heating.

51. (Amended) The method of claim 48, wherein the [directing] energy [to the edge portion] is [performed] transferred utilizing radio frequency energy.

52. (Amended) A method for installing a floor covering having a plurality of modules of textile fiber face material having edges different in appearance from the remainder of the face, wherein the modules are positioned with abutting edges, comprising:

applying an adhesive to the abutting edges; and

heating the abutting edges and adhesives to bond the abutting edges.

55. (Amended) The method for imparting a grouted edge appearance to a flooring module of claim 2, wherein each [shear] treating unit is positioned at an acute angle relative to a face of the flooring module face to produce a beveled edge[s] on [that] the face.